

FIRST APPEAL No 670 of 1980

Hon'ble MR.JUSTICE A.R.DAVE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

[illegible]

5. Whether it is to be circulated to the Civil Judge? : NO  
1 to 5 No

[illegible]

STATE OF GUJARAT

Versus

SAURASHTRA SALT WORKS PVT.LTD.

Appearance:

MR SUDHANSU PATEL, AGP, for Petitioner

MR DHAVAL G. NANAVATI for MR KS NANAVATI for Respondent No. 1

MR CC TRIVEDI for MR BR KYADA for Respondent No. 2

CORAM : MR.JUSTICE A.R.DAVE

Date of decision: 28/04/2000

ORAL JUDGEMENT

Looking to the developments which have taken place during pendency of First Appeal No. 670/80, I do not think it necessary to narrate in detail the facts pertaining to the case. Suffice it to state that the appellant-State of Gujarat had leased some land to respondent No. 1 at the rate of Rs. 2 per year per acre. The appellant wanted to enhance the rate by Re. 1/- and that action was challenged by respondent No. 1 by filing Special Civil Suit No. 68/77. The suit was decreed and therefore the State of Gujarat has filed this appeal.

2. During pendency of the appeal, though the suit was decreed, respondent No. 1 paid the amount to the appellant government as per demand made by the appellant i.e. rent was paid at the rate of Rs. 3/- per year per acre. An affidavit stating the said fact has been filed by respondent No. 1. It has been submitted by learned advocate Shri Dhaval Nanavati appearing for respondent No. 1 that respondent No. 1 is not going to claim the amount which has already been paid by it to the appellant-Government. Moreover, respondent No. 1 has also placed on record a certificate given by the Talati-cum-Mantri of Victor Group Gram Panchayat stating the fact that respondent No. 1 has paid the entire amount of dues payable to the government til 1984-85.

4. In the circumstances it has been submitted by learned advocate Shri Dhaval Nanavati appearing for respondent No. 1 that the appeal has become infructuous as the amount, which was claimed by the appellant Government, has already been paid to the Government.

5. Learned AGP Shri Sudhansu Patel appearing for the appellant was unable to state whether the entire amount claimed by the government has been paid to the government by respondent No. 1. However, he could not dispute the certificate given by Talati-cum-Mantri of Victor Group Gram Panchayat.

6. Looking to the said development and in view of the fact that no instructions have been received by the learned AGP, in spite of sending two telegrams to the Collector, Amreli, he is unable to make any submission.

7. Looking to the developments stated hereinabove, this appeal would not survive and, therefore, is dismissed with no order as to costs. However, it would be open to the appellant-Government to file a note for revival or speaking to minutes if the facts stated by

respondent No. 1 are found to be incorrect.

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